

(Rev. 01/21) Complaint for Violation of Civil Rights (Prisoner)

## UNITED STATES DISTRICT COURT

for the

Western District of New York

Case No.

22-CV-6042 FPG

(to be filled in by the Clerk's Office)

LEONIDAS SIERRA, 66094-054

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

JURY TRIAL: Yes ☒ No ☐

(See attachment)

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)



## COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

## NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

## Upstate Corr. Fac. - Defendants

1. John Doe 22, Guidance-offender Rehabilitation coordinator
2. T. Bernick, captain [a/o.s.s], Security Supervisor
3. J. Fitchette, Deputy Superintendent for Programs, (D.S.P)
4. John Doe 1, Staff - Inspector General
5. John Doe 2, Staff - Counsel
6. John Doe 3, Chairman - Facility operations
7. John Doe 4, Deputy Commissioner for Correctional Facilities (D.C.C.F.)
8. John Doe 23, Guidance-offender Rehabilitation coordinator
9. John Doe 5, Staff - Counsel

## Auburn Corr. Fac. - Defendants

10. John Doe 24, Guidance counselor
11. John Doe 25, Security Supervisor
12. John Doe 26, Committee Chairman
13. John Doe 1, Staff - Inspector General
14. John Doe 6, Staff - Counsel
15. John Doe 3, Chairman - Facility operations

16. John Doe 4, D.C.C.F.  
mental Health
17. Sharifuzzama Siddiqui, M.D.,  
Psychiatrist 2
18. Amber M. Oliver, Social Worker
19. Susan C. Weberzahlporter, L.M.S.W. II

Southport Corr. Inst. - Defendants

20. John Doe 27, offender Rehabilitation  
coordinator
21. B. Wagner, Captain, Security Supervisor
22. Mr. Signor, Deputy Superintendent for  
Security (D.S.S.)
23. John Doe 1, Staff - Inspector General
24. John Doe 5, Staff - Counsel
25. John Doe 3, Chairman - Facility Operations
26. John Doe 4, D.C.C.F.
27. S. Biblin, O.R.C., offender Rehabilitation
28. John Doe 7, Staff - Counsel
29. John Doe 28, offender Rehabilitation  
coordinator
30. John Doe 8, Staff - Counsel
31. John Doe 9, Chairman - Facility Operations
32. John Doe 10, D.C.C.F.



33. John Doe 29, offender Rehabilitation coordinator
34. John Doe 2, Staff - Counsel
35. John Doe 10, D.C.C.F.
36. John Doe 30, offender Rehabilitation coordinator
37. John Doe 11, Staff - Counsel
38. John Doe 12, D.C.C.F.
39. John Doe 31, offender Rehabilitation coordinator
40. John Doe 14, Staff - Counsel
41. John Doe 33, offender Rehabilitation Coordinator
42. John Doe 13, Staff - Counsel
43. John Doe 32, offender Rehabilitation coordinator
44. John Doe 15, Staff - Counsel
45. John Doe 16, D.C.C.F.
46. John Doe 35, Capt. Security Supervisor
47. John Doe 17, Staff - Counsel
48. John Doe 18, D.C.C.F.  
mental Health
49. Jose Gonzalez, Psychiatrist
50. Ms. Dally, Unit Chief
51. Leslie A. Watkins, L.M.S.W., Therapist
52. Leslie McKenzie, L.C.S.W., Therapist
53. Christine Vaughn, L.M.S.W., SW II

- 54. C. Kueffer, S.W. II
- 55. Emily Suany, L.M.S.W. 2
- 56. Leslie Bunni, L.L.S.W.
- 57. Daniel Kress, L.M.S.W. 2

### Elmira Corr. Fac. - Defendants

- 58. John Doe 36, Guidance Counselor
- 59. John Doe 37, Security Supervisor
- 60. John Doe 38, Committee Chairman
- 61. John Doe 7, Staff - Inspector General
- 62. John Doe 11, Staff - Counsel
- 63. John Doe 9, Chairman - Facility Operations
- 64. John Doe 10, D.C.C.F.
- 65. John Doe 39, Security Supervisor
- 66. John Doe 40, Committee Chairman
- 67. John Doe 19, Staff - Counsel
- 68. John Doe 18, A/D.C.C.F.
- 69. J. Rossi, Guidance Counselor
- 70. John Doe 41, Security Supervisor
- 71. John Doe 14, Staff Counsel
- 72. Hill, Security Supervisor
- 73. John Doe 5, Staff - Counsel
- 74. John Doe 20, Chairman Facility Operations
- 75. John Doe 42, Security Supervisor

- 76. John Doe 46, Staff - Inspector General
- 77. John Doe 43, Security Supervisor
- 78. John Doe 44, Security Supervisor
- 79. John Doe 17, Staff - Counsel
- 80. John Doe 21, Staff - Counsel  
Mental Health
- 81. Dr. Bautista, Psychiatrist
- 82. Jori Seymour, Unit Chief
- 83. Paul W. Dougherty, M.P.P.
- 84. John Doe 47, N.P.P.
- 85. A.A., N.P.P.
- 86. Courtney Sullivan, Social Worker
- 87. Megan Palmer, L.M.H.C. RCTI
- 88. Lydia Brennan, Forensic Unit Chief
- 89. Joseph M. Wilczewski, L.M.S.W.

### Central office, Albany - Defendants

- 90. Anthony J. Annucci, Commissioner
- 91. Mo. Amaya, Assistant Commissioner
- 92. Scott Kelly, Security Classification
- 93. Donald Verettozzi, Director - Inmate  
Discipline
- 94. A. Rodriguez - Assistant Director -  
Inmate Discipline



- 95. David Amadio, Inmate Discipline
- 96. Liberty, Commissioner's Hearing officer,  
Upstate Corr. Fac.

Attica Corr. Fac. - Defendant

- 97. John Doe 48, Captain - Hearing officer,  
Medical Defendants

- 98. John Doe 49, Doctor, Upstate Corr. Fac.
- 99. John Doe 50, Doctor, Southport Corr. Fac.
- 100. Dr. Att, Elmira Correctional Facility

(Rev. 01/21) Complaint for Violation of Civil Rights (Prisoner)

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name LEONIDAS SIERRA, 66094-054, Prisoner  
 All other names by which  
 you have been known:  
 ID Number ~~66094~~ - 66094-054  
 Current Institution U.S.P. Hazelton  
 Address Po Box 2080  
Bruceston Mills W.V. 26525  
City State Zip Code

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

**Defendant No. 1**

Name central office Defendants  
 Job or Title (*if known*) new York State Dept. of corr. and  
 Shield Number community supervision  
 Employer State Campus / Building 2  
 Address albany, new York 12206  
City State Zip Code

☒ Individual capacity ☒ Official capacity

**Defendant No. 2**

Name upstate corr. Fac - Defendants  
 Job or Title (*if known*) Upstate Corr. Fac.  
 Shield Number Po Box 2001  
 Employer malone  
 Address N.Y. 12953  
City State Zip Code

☒ Individual capacity ☒ Official capacity



(Rev. 01/21) Complaint for Violation of Civil Rights (Prisoner)

## Defendant No. 3

Name

Job or Title (if known)

Shield Number

Employer

Address

Southport Corr. Fac - Defendants

Southport Corr. Fac

Po Box 2000

Pine City

City

N.Y.

State

14871

Zip Code



Individual capacity



Official capacity

## Defendant No. 4

Name

Job or Title (if known)

Shield Number

Employer

Address

Auburn Corr. Fac. Defendants

Auburn Corr. Fac.

Po Box 618

Auburn

City

N.Y.

State

13024

Zip Code



Individual capacity



Official capacity

(see attached)

## II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

## A. Are you bringing suit against (check all that apply):

Federal officials (a *Bivens* claim)

State or local officials (a § 1983 claim)

## B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

14<sup>th</sup> amendment and 8<sup>th</sup> amendmentC. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

Elmira Corr. Fac-Defendants

Elmira Corr. Fac.

Po Box 500

Elmira, New York

14902-0580

☒ Individual capacity ☒ official capacity

(Rev. 01/21) Complaint for Violation of Civil Rights (Prisoner)

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

all of defendants are corrections officers of the NYS-DOCCS and they acted under color of state and local law because they kept me in S.H.U. under ad/seg since 7/31/14 to 7/13/2020 by using directives and rules.

### III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☒ Convicted and sentenced federal prisoner
- ☐ Other (explain) when the issues of the complaint happen I was in NYS-DOCCS. Now I am in F.B.O.P.

### IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

(See attached Facts) 15 pages  
and statement of claims 2 pages

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

They arose in NYS-DOCCS S.H.U.'s Elmira, upstate, Southport and Auburn con. fac's from 7/31/14 - 2/13/2020



## Statement of Claims

- 1) Wrongful Confinement, Pursuant to Criminal Procedure Law, Section §410.91, because the facts will establish that the defendants intended to confine the claimant; the claimant was conscious of the confinement; the claimant did not consent to the confinement; and the confinement was not otherwise privileged.
- 2) Violation of substantive and procedural due - process, because the defendant violated NYS - DOCS own rules and regulations, and in the process deprived me of my liberty interest.
- 3) Violation of equal protection because the defendants did not allow me to participate in the programs, treated me differently from other inmates in S.H.U., never gave me a meaningful review like other ad / Seg inmates, denied me adequate mental health

and disregarded Claimant's well-being.

- 4) Violation of the 8<sup>th</sup> amendment against cruel and unusual punishment because they disregarded Claimant's deteriorating mental health, refused to give adequate mental health treatment, refused to give Claimant adequate medical treatment for chronic pain and were deliberately indifferent to his mental and physical health. Additionally, Defendants knew of Claimant's history of self-harm and did nothing about it, as evidenced by Claimant being put on suicide watch, on or about February or March of 2019, and Claimant cut his arm requiring 5 stitches in the hospital after continuously claiming he needed help because he felt the compulsion to hurt himself. Also, while in D-Block at Southport Corr. Fac., the cell was so cold it felt like a refrigerator and Defendants refused to repair window seals and/or provide extra blankets.

## Facts

- 1) On July 31, 2014, Plaintiff's custody was returned back to the New York State Department of Corrections and Community Supervision (NYS-DOCCS) by the U.S. Marshalls of the Southern District of New York at Down State Correctional Facility.
- 2) As soon as Plaintiff was processed and searched at Downstate Correctional Facility, Plaintiff was assigned a cell and placed under keep-locked status (confined to the cell).
- 3) On August 4, 2014, Plaintiff was transferred from Downstate Correctional Facility to Attica Correctional Facility. After being processed Plaintiff was assigned a cell and again placed under keep-locked status.
- 4) On August 5, 2014, Plaintiff was served a Tier III misbehavior Report charging



violation of rule 1.00 (Penal Law offenses) because Plaintiff pled guilty and was convicted of violating 18 U.S.C. 1962(d): Conspiracy to participate in a racketeering enterprise.

- 5) John Doe 48, Captain, was assigned as the hearing officer. After the hearing the Plaintiff was found guilty of violating rule 1.00 and was sentenced to 1 year of solitary confinement in the Special Housing Unit (S.H.U.), with 1 year loss of Packages, Commissary and Telephones.
- 6) During the hearing John Doe 48, Captain, did not hold the hearing within the time limits set forth in 7 NYCRR 251-5.1(a), denied Petitioners the right to present documentary evidence, witnesses and to allow the Employee Assistant to obtain relevant documentary evidence (ex. Log Book Entries, etc.) and to interview the material witnesses.

- 7) On or about, November, 2014, the Petitioner was transferred from Attica Correctional Facility to Upstate Correctional Facility.
- 8) After doing 9 months and 22 days S.H.U. at Upstate Corr. Fac. Petitioner was given a time-cut on the 1 year S.H.U. sanction imposed at Attica Corr. Fac., because of good behavior and having made a positive adjustment.
- 9) On or about, May 27, 2015, after completing the modified 9 months and 22 days S.H.U. sanction Petitioner was served with an Administrative Segregation Recommendation dated, May 27, 2015.
- 10) Ms. Liberty, Commissioner's Hearing Officer (C.H.O.) was assigned as the hearing officer. The hearing was commenced on June 11, 2015 and concluded on August 11, 2015.
- 11) During the hearing Petitioner was inappro-

privately denied the right to call materially relevant witnesses; to present documentary evidence and recorded telephone conversations by the C.H.O.

- 12) Ms. Liberty, C.H.O., imposed administrative segregation. The imposition of administrative segregation was an exaggerated response to the prison's concerns because there existed a less restrictive housing unit program (Protective Custody (PC) and Involuntary Protective Custody (IPC)) that could have accommodated the prison's concerns while at the same time protect Petitioner's rights.
- 13) Petitioner appealed the determination on August 30, 2015, to Ronald Venetozzi and it was affirmed. On June 12, 2017, Mr. A. Rodriguez denied the reconsideration.
- 14) The Upstate Corr. Fac. Defendants,



John Doe 22, T. Berniak, J. Fitchette, John Doe 1, John Doe 2, John Doe 3, John Doe 4, John Doe 23 and John Doe 5, collectively and individually denied the Petitioners the opportunity to receive a meaningful review of administrative segregation by conducting a sham review with a pre-disposed denial of the same, by reiterating stale boiler plate justifications, denying Petitioners request to go to a less restrictive housing unit program, by not conducting the reviews every 60 days as prescribed by Directive 4933, 301.4, disregarding Petitioners deteriorating mental and physical health, by not considering the passage of time, considering inaccurate information and not considering the other relevant factors such as, Petitioners conduct, interaction with staff, attitude and disposition before <sup>rendering</sup> a decision in the administrative segregation summary report and recommendation.

15.) Auburn Corr. Fac., defendants, John Doe

24, John Doe 25, John Doe 26, John Doe 1, John Doe 6, John Doe 3, and John Doe 4, collectively and in their individual capacity denied Petitioners the opportunity to receive a meaningful review of administrative segregation status by conducting a sham review with a pre-disposed denial of the same, by reiterating stale boiler plate justifications, denying Petitioners request to go to a less restrictive housing unit program, by not conducting the reviews every 60 days as prescribed by Directive 4933, 301.4, disregarding Petitioners deteriorating mental and physical health, by not considering the passage of time, considering inaccurate information and not considering the other relevant factors such as, Petitioners conduct, interaction with staff, attitude, and disposition before rendering a decision in an administrative segregation summary report and recommendation.

- ( 16). The Auburn Corr. Fac. mental health defendants, Sharufuzzama Siddiqui, MD,

amber m. oliver, and Susan C. Weberzahlporter, collectively and individually knew and disregarded the risk to Plaintiff's mental health and safety by failing to acknowledge the harm long term isolation was causing to Plaintiff's mental health. Additionally, they failed to make any reports and recommendations to NYS-DOCS that took into consideration Plaintiff's chronic depression, episodes of hallucinations where he heard voices, his difficulty with focus, his difficulty with concentration, nightmares, hopelessness, lack of energy and his inability to find something to live for and the many crisis interventions where Plaintiff was having suicidal thoughts, ~~eng~~ engaging in acts of self harm and the evidence that his mental health was deteriorating.

- (17) Southport Corr. Fac. defendants, John Dee 27, B. Wagner, Mr. Signer,



John Doe 1, John Doe 5, John Doe 3, John Doe 4, S. Gubler, John Doe 7, John Doe 28, John Doe 8, John Doe 9, John Doe 10, John Doe 29, John Doe 2, John Doe 30, John Doe 11, John Doe 12, John Doe 31, John Doe 33, John Doe 13, John Doe 32, John Doe 15, John Doe 16, John Doe 35, John Doe 17, and John Doe 18, collectively and individually denied Plaintiff the opportunity to receive a meaningful review of administrative segregation status by conducting a sham review with a pre-deposed denial of the same, by reiterating stale boiler plate justifications, denying Plaintiff's request to go to a less restrictive housing unit program, by not conducting the reviews every 60 days as prescribed by Directive 4933, 301.4, disregarding Plaintiff's deteriorating mental and physical health, by not considering the passage of time, considering inaccurate information and not considering the other relevant factors, such as, Plaintiff's conduct,

interaction with staff, attitude, and disposition, before rendering a decision on an administrative segregation summary report and recommendation.

- 18) Southport Corr. Fac. mental Health defendants, Jose Gonzalez, Mo Dally, Leslie A. Watkins, Leslie McKenzie, Christine Vaughn, C. Kueffer, Emily Suany, Leslie Pyunni and Daniel Kress, collectively and individually knew and disregarded the risk to Plaintiff's mental health and safety by failing to acknowledge the harm long term isolation was causing to Plaintiff's mental health. Additionally, they failed to make any reports and recommendations to NYS-DOCCS that took into consideration Plaintiff's chronic depression, episodes of hallucinations where he heard voices, his difficulty with concentration, nightmares, hopelessness, lack of energy and his inability to find

something to live for and the many crisis interventions where Plaintiff was having suicidal thoughts, engaging in acts of self harm and the conclusive evidence that his mental health was deteriorating.

- 19) Elmira Corr. Fac. defendants, John Doe 36, John Doe 37, John Doe 38, John Doe 1, John Doe 11, John Doe 9, John Doe 10, John Doe 39, John Doe 40, John Doe 19, John Doe 18, John Doe 41, J. Rossi, John Doe 14, Hill, John Doe 5, John Doe 20, John Doe 42, John Doe 46, John Doe 43, John Doe 44, John Doe 46, John Doe 17 and John Doe 21, collectively and individually denied Plaintiff the opportunity to receive a meaningful review of administrative segregation status by conducting a sham review with a pre-desposed denial of the same, by reiterating stale boiler plate justifications, denying Plaintiff's request to go to a less restrictive housing unit program, by not conduct-



ing the reviews every 60 days as prescribed by Directive 4933, 301.4; disregarding Plaintiff's deteriorating mental and physical health, by not considering the passage of time, considering inaccurate information and not considering the other relevant factors, such as, Plaintiff's conduct, interaction with staff, attitude and disposition, before rendering a decision on an administrative segregation summary report and recommendation.

20) Elmira Corr. Fac. mental health defendants, Dr. Bautista, Lori Seymour, Paul W. Dougherty, John Doe 47, A.A., Courtney Sullivan, Megan Palmer, Lydia Brennan and Joseph M. Wilczewski, collectively and individually knew and disregarded the risk to Plaintiff's mental health and safety by failing to acknowledge the harm long term isolation was causing to Plaintiff's mental health.



additionally, the failed to make any reports and recommendations to NYS-DOCCS that took into consideration Plaintiff's chronic depression, episodes of hallucinations where he heard voices, his difficulty with concentration, nightmares, hopelessness, lack of energy and his inability to find something to live for and the many crisis interventions where Plaintiff was having suicidal thoughts, engaging in acts of self harm and the conclusive evidence that his mental health was deteriorating.

- 21) Central office - albany defendants anthony J. Annucci, Mrs. Amaya, Scott Kelly, Donald Verettezzi, a. Rodriguez, and David Amadio, collectively and individually denied Plaintiff the opportunity to receive a meaningful review of administrative segregation by failing to answer plaintiff's letters and complaints and correct the fact that line staff

correcting the deficient process he was receiving;

22) Central office albany defendants Donald Venetozzi, a. Rodriguez, David Amadio and Mrs. Liberty collectively and individually violated the rules and directives that govern disciplinary hearings by not allowing Plaintiff to receive meaningful employee assistance, present documentary evidence, call material witnesses at the hearing and to present recorded conversations and their failure to correct these violations of NYS-DCCS own rules and regulations.

23) Attica Corr. Fac. defendant John Doe 48, collectively and individually violated Plaintiff's right at the disciplinary hearing by inappropriately denying him the opportunity to present documentary evidence, call witnesses and have meaningful

employee assistance. John Doe 48, also made the unreasonable decision of finding Plaintiff guilty of violating Penal Law offenses rule 1.00, even though Plaintiff never violated any penal law.

24) Medical Defendants, John Doe 49, John Doe 50, and Dr. Ott, collectively and individually, were negligent of Plaintiff's medical needs by failing to prescribe effective pain medication, providing Tens unit and knee sleeve and by negligently inflicting unnecessary and waning pain by deviating from established medical practice and failing to make a report and recommendation to NYS-DOCCS officials that explained that Plaintiff's physical health was deteriorating due, in large part, to the prolonged years of solitary confinement Plaintiff was subjected to.



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C. What date and approximate time did the events giving rise to your claim(s) occur?

7/31/14 - 2/13/2020

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

(see attachment) 10 pages

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

mental Health, liberty and cruel and unusual punishment and incidents of self harm.

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

(see attachment) 2 pages



## Claims

- 1) The Upstate Corr. Fac., Defendants John Doe 22, T. Rzymiak, J. Fitchette, John Doe 1, John Doe 2, John Doe 3, John Doe 4, John Doe 23 and John Doe 5, collectively and individually, failed to provide Plaintiff with a meaningful review of his Administrative Segregation status, by conducting sham reviews with pre-ordained denial of the same violated the substantive and procedural Due Process of the 14<sup>th</sup> Amendment and the 8<sup>th</sup> Amendment.
- 2) The Upstate Corr. Fac., Defendants John Doe 22, T. Rzymiak, J. Fitchette, John Doe 1, John Doe 2, John Doe 3, John Doe 4, John Doe 23 and John Doe 5, collectively and individually, disregarded Plaintiff's deteriorating mental and physical health, by keeping him confined to isolation in S.H.U. from July 31, 2014 to February 13, 2020, violated the 8<sup>th</sup> Amendment against cruel and unusual

punishment.

- 3) Auburn Corr. Fac., Defendants, John Doe 24, John Doe 25, John Doe 26, John Doe 1, John Doe 6, John Doe 3, and John Doe 4, collectively and individually, failed to provide Plaintiff with a meaningful review of his Administrative Segregation status, by conducting sham reviews with pre-ordained denial of the same violated the substantive and procedural Due Process of the 14<sup>th</sup> amendment.
- 4) The Auburn Corr. Fac., Defendants, John Doe 24, John Doe 25, John Doe 26, John Doe 1, John Doe 6, John Doe 3, and John Doe 4, collectively and individually, disregarded Plaintiff's deteriorating mental and physical health, by keeping him confined to isolation in S.H.U. from July 31, 2014 to February 13, 2020, violated the 8<sup>th</sup> amendment against cruel and unusual punishment.

5) The Auburn Corr. Fac. mental health defendants, Sharfuzzama Siddiqui, M.D., Amber M. Oliver, and Susan C. Weberzahlporter, collectively and individually, disregarded Plaintiff's deteriorating mental and physical health, by keeping him confined to isolation in S.H.U. from July 31, 2014 to February 13, 2020, violated the 8<sup>th</sup> amendment against cruel and unusual punishment

6) Southport Corr. Fac., defendants, John Doe 27, B. Wagner, Mr. Signer, John Doe 1, John Doe 5, John Doe 3, John Doe 4, S. Hublin, John Doe 7, John Doe 28, John Doe 8, John Doe 9, John Doe 10, John Doe 29, John Doe 2, John Doe 30, John Doe 11, John Doe 12, John Doe 31, John Doe 33, John Doe 13, John Doe 32, John Doe 15, John Doe 16, John Doe 35, John Doe 17, and John Doe 18, collectively and individually, failed to provide Plaintiff with a meaningful review of his administrative segregation



status, by conducting sham reviews with pre-ordained denial of the same, violated the substantive and procedural Due Process of the 14<sup>th</sup> Amendment

7) Southport Corr. Fac., Defendants, John Doe 27, B. Wagner, Mr. Signer, John Doe 1, John Doe 5, John Doe 3, John Doe 4, S. Hubler, John Doe 7, John Doe 28, John Doe 8, John Doe 9, John Doe 10, John Doe 29, John Doe 2, John Doe 30, John Doe 11, John Doe 12, John Doe 31, John Doe 33, John Doe 13, John Doe 32, John Doe 15, John Doe 16, John Doe 35, John Doe 17, and John Doe 18, collectively and individually, disregarded Plaintiff's deteriorating mental and physical health, by keeping him confined to isolation in S.H.U. from July 31, 2014 to February 13, 2020, violated the 8<sup>th</sup> Amendment against cruel and unusual punishment

8) Southport Corr. Fac., mental health

defendants, Jose Gonzalez, Ms. Dally, Leslie A. Watkins, Leslie McKenzie, Christine Vaughn, C. Kueffer, Emily Guaray, Leslie Gunnin, and Daniel Kress, collectively and individually, disregarded Plaintiff's deteriorating mental and physical health, by keeping him confined to isolation in S.H.U. from July 31, 2014 to February 13, 2020, violating the 8<sup>th</sup> amendment against cruel and unusual punishment.

- 9) Elmira Corr. Fac. defendants, John Doe 36, John Doe 37, John Doe 38, John Doe 7, John Doe 11, John Doe 9, John Doe 10, John Doe 39, John Doe 40, John Doe 19, John Doe 18, John Doe 41, J. Rossi, John Doe 14, Hill, John Doe 5, John Doe 20, John Doe 42, John Doe 46, John Doe 43, John Doe 44, John Doe 44, John Doe 17 and John Doe 21, collectively and individually, failed to provide Plaintiff with a meaningful review of his administrative segregation status, by conducting sham reviews with

pre-ordained denial of the same, violated the substantive and procedural due process of the 14<sup>th</sup> amendment.

10) Elmira Corr. Fac., defendants, John Doe 36, John Doe 37, John Doe 38, John Doe 1, John Doe 11, John Doe 9, John Doe 10, John Doe 39, John Doe 40, John Doe 19, John Doe 18, John Doe 41, J. Rossi, John Doe 14, Hill, John Doe 5, John Doe 20, John Doe 42, John Doe 46, John Doe 43, John Doe 44, John Doe 17, and John Doe 21, collectively and individually, disregarded Plaintiffs deteriorating mental and physical health, by keeping him confined to isolation in S.H.U. from July 31, 2014, to February 13, 2020, violated the 8<sup>th</sup> amendment against cruel and unusual punishment,

11) Central Office - Albany, defendants, Anthony J. Amucci, Ms. Amaya, Scott Kelly, Donald Venetozzi, A. Rodriguez, and David Amedeo collectively and



individually, denied Plaintiff the opportunity to receive a meaningful review of administrative segregation status by conducting sham reviews with a pre-ordained denial of the same, by reiterating stale boiler plate justifications, denying Plaintiff's request to go to a less restrictive housing unit program, by not conducting the reviews every 60 and 30 days as prescribed by Directive 4933, 301.4, disregarding Plaintiff's deteriorating mental and physical health, by not considering the passage of time, considering inaccurate information and not considering the other relevant factors, such as, Plaintiff's conduct, interaction with staff, attitude and disposition, allowing the line staff to pre-ordain the denial of release from segregation violated the substantive and procedural due process of the 14<sup>th</sup> amendment

- 12) central office albany defendants Donald Venetozzi, a. Rodriguez, David Amadio and Ms. Liberty, collectively and individually, disregarded Plaintiff's deteriorating mental and physical health, by keeping him confined to isolation in S.H.U. ~~from~~ from July 31, 2014 to February 13, 2020, violating the 8<sup>th</sup> amendment against cruel and unusual punishment.
- 13) central office - albany defendants. Donald Venetozzi, a. Rodriguez, David Amadio and Ms. Liberty, collectively and individually violated the rules and directives that govern disciplinary hearings by not allowing Plaintiff to receive meaningful employee assistance, present documentary evidence, call material witnesses at the hearing and to present recorded conversations and their failure to correct these violations of NYS-DOCCS own rules and

regulations, thus violating the substantive and procedural Due-Process of the 14<sup>th</sup> amendment.

- 14) Attica Corr. Fac. defendant John Doe 48, collectively and individually violated plaintiff's rights at the disciplinary hearing by inappropriately denying him the opportunity to present documentary evidence, call witnesses and have meaningful employee assistance. John Doe 48, also made the unreasonable decision of finding Plaintiff guilty of violating Penal Law offenses rule 1.00, even though plaintiff never violated a Penal Law offense thus violating the substantive and procedural Due-process of the 14<sup>th</sup> amendment.

- 15) Attica Corr. Fac. defendant, John Doe 48, collectively and individually, disregarded Plaintiff's deteriorating mental and physical health, by



Keeping him confined to isolation in S.H.U. from July 31, 2014, to, February 13, 2020, violating the 8<sup>th</sup> amendment against cruel and unusual punishment.

- 16) medical Defendants, John Doe 49, John Doe 50, and Dr. Ott, collectively and individually, were negligent of Plaintiff's medical needs by failing to prescribe effective pain medication, not providing a Tens unit and knee sleeve and by negligently inflicting unnecessary and waster pain by deviating from the established medical practice, thus, violating the 8<sup>th</sup> amendment against cruel and unusual punishment.

## Relief

- 1) The Plaintiff request a jury trial on all issues presented.
- 2) Plaintiff seeks monetary damages in the amount of \$10,000,000 from all Defendants individually and jointly.
- 3) Plaintiff seeks punitive damages from all the Defendants in the amount of 5,000,000, individually and jointly.
- 4) Plaintiff also seeks that all other inmates from NYS-Doccs who are in similar circumstances receive meaningful reviews of administrative segregation.
- 5) Plaintiff request the court declare that Defendants violated the Plaintiff's constitutional rights.

6) Plaintiff request for any such relief as the court deems just and proper.



**VII. Exhaustion of Administrative Remedies Administrative Procedures**

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

NYS-DOCCS; Attica Corr. Fac, Upstate Corr. Fac.,  
Elmira Corr. Fac., Southport Corr. Fac.

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☒ Yes

☐ No

☐ Do not know

If yes, which claim(s)?

continuous confinement in S.H.U. from 7/31/14 -  
2/13/2020, mental health, lack of receiving reviews,  
lack of medical and insect infestation.

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☐ No

- E. If you did file a grievance:

1. Where did you file the grievance?

at upstate corr. fac., southport corr. fac., auburn corr. fac., and Elmira Corr. Fac

2. What did you claim in your grievance?

that I was being housed in SHU under administrative segregation in violation of Due Process, not receiving meaningful reviews, not receiving the placement decisions, lack of medical attention and deteriorating mental health.

3. What was the result, if any?

most were denied but, the facility committee agreed in grievance E149-607-19 that a less restrictive housing was appropriate for Ad/seg inmates

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

I appealed them to the facility superintendent and then, to the C.O.R.C. in Albany

**F.** If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

**G.** Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

The C.O.P.C. in Albany never answers appeals in the prescribed time. Plus, I don't have the decision for a lot of my appeals and some grievances because I was transferred to F.B.P. but I filed F.O.I.A. request.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.) see attached grievance

**VIII. Previous Lawsuits**

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☒ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.



(Rev. 01/21) Complaint for Violation of Civil Rights (Prisoner)

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- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) \_\_\_\_\_

Defendant(s) \_\_\_\_\_

2. Court *(if federal court, name the district; if state court, name the county and State)*

\_\_\_\_\_

3. Docket or index number

\_\_\_\_\_

4. Name of Judge assigned to your case

\_\_\_\_\_

5. Approximate date of filing lawsuit

\_\_\_\_\_

6. Is the case still pending?

☐ Yes

☒ No

If no, give the approximate date of disposition. \_\_\_\_\_

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

\_\_\_\_\_

(Rev. 01/21) Complaint for Violation of Civil Rights (Prisoner)

**IX. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: \_\_\_\_\_

Signature of Plaintiff

*Leonidas Sierra*

Printed Name of Plaintiff

LEONIDAS SIERRA Pro-Se

Prison Identification #

66094-054

Prison Address

U.S.P. Hazelton, Po Box 2000

Bruceston Mills, W.V. 26525

City

State

Zip Code

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address

Leonidas Sierra (Pro-Se)

66094-054

U.S.P. Hazelton

Po Box 2000

Bruceston Mills, W.V.

26525

United States District Court  
Western District of New York

Summons

To: John Doe 22, inter alia...,  
New York State Dept. of Corr.  
and Community Supervision  
State Campus / Building 2  
Albany, New York, 12226

a lawsuit has been filed against  
you, within 21 days after service of  
this summons on you (not counting  
the day you received it) or 60 days if  
you are the United States or a United  
States agency, or an officer or employee



of the United States as described in Fed. R. Civ. P., 12(2)(2) or 3 - you must serve on the Plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure.

The answer or motion must be served on the Plaintiff or Plaintiff's attorney, whose name and address is:

Leovidas Sierra, 66094-054 (Pro-Se)  
U.S.P. Hazelton, Po Box 2000,  
Bruneton Mills, W.V. 26525

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You must also file your answer or motion with the Court.

Clerk of the Court

Dated: